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09/845,351	05/01/2001	Philip D. Mooney	A2550.0009/P009	2591

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EXAMINER	
HOOSAIN, ALLAN	

ART UNIT	PAPER NUMBER
2645	4

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/845,351	Applicant(s) MOONEY ET AL.	
	Examiner Allan Hoosain	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,8,10-15,17,18 and 21-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,8,10-15,17,18 and 21-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 25 is objected to because of the following informalities: It depends on itself. For this Office Action, it was assumed that Claim 25 depends on Claim 24. Appropriate correction is required.

2. Claim 22 is objected to because of the following informalities: Line 12 has "si" instead of "is". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3,8,10-13,18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chavez, Jr. et al**. (US 6,427,074).

As to Claim 1, with respect to Figures 1 and 4, **Chavez, Jr**. teaches a wireless telephone device comprising:

a transceiver for transmitting and receiving wireless signals (Figure 1, label 107);

a control circuit for determining when said wireless telephone device is at a location where a call forwarding operation should occur (Figure 4);

said control circuit automatically operating said transceiver to initiate a connection between said telephone device and a service provider when said telephone device is at said location and instructing said service provider to enable a call forwarding operation, said control circuit further operating said transceiver to send a forwarding number to said service provider (Figure 4, labels 407,408,409).

As to Claims 2-3, **Chavez, Jr**. teaches a wireless telephone device as in claim 1 wherein said location is a location of a power source for said wireless device, said wireless device further comprising at least one port for connecting with said power source, said control circuit determining when said wireless device is at said location by determining if said at least one port is connected with said power source (Figure 4, label 401 and Figure 1, label 106).

As to Claims 8,18, **Chavez, Jr**. teaches a wireless telephone device as in claim 1 wherein said control circuit determines when said wireless telephone device is no longer at said location and in response initiates a connection between said wireless device and said service provider, and instructs said service provider to disable said call forwarding operation (Figure 4, label 403).

As to Claims 10-13, with respect to Figures 1 and 4, **Chavez, Jr**. teaches a method of operating a wireless telephone device comprising:

determining when said wireless telephone device is at a battery charger (a location) where a call forwarding operation should occur (Figure 4, label 401);

automatically establishing a connection to a service provider in response to said determination, and during said connection (Figure 4, label 409):

instructing said service provider to initiate a call forwarding operation (Figure 4, label 409); and

sending a forwarding number to said service provider (Figure 4, label 409).

5. Claims 21,23 are rejected under 35 U.S.C. 102(e) as being anticipated by **Bartle et al**. (US 6,188,888).

As to Claims 1-5,7-8, with respect to Figures 1-4, **Bartle** teaches a wireless telephone device comprising:

a transceiver for transmitting and receiving wireless signals (Figure 1);

a control circuit for determining when said wireless telephone device is at a location where a call forwarding operation should occur (Figure 1);

said control circuit automatically operating said transceiver to initiate a connection between said telephone device and a service provider when said telephone device is at said location and instructing said service provider to enable a call forwarding operation, said control circuit further operating said transceiver to send a forwarding number to said service provider (Col. 5, lines 13-19,31-34, Col. 6, lines 4-10,28-36 and Col. 7, lines 8-12,19-21,50-56).

As to Claims 10-15,17-18, with respect to Figures 1-4, **Bartle** teaches a method of operating a wireless telephone device comprising:

determining when said wireless telephone device is at a battery charger (a location) where a call forwarding operation should occur (Figure 4);

automatically establishing a connection to a service provider in response to said determination, and during said connection (Figure 2):

instructing said service provider to initiate a call forwarding operation (Figure 2); and

sending a forwarding number to said service provider (Col. 5, lines 13-19,31-34, Col. 6, lines 4-10,28-36 and Col. 7, lines 8-12,19-21,50-56).

As to Claims 21,23, with respect to Figures 1-4 and 6A, **Bartle** teaches a wireless telephone device comprising:

a transceiver for transmitting and receiving wireless signals (Figure 1, label 14);

a control circuit for determining when said wireless telephone device is at a location where a call forwarding operation should occur, said control circuit automatically operating said transceiver to initiate a connection between said telephone device and a service provider when said telephone device is at said location and instructing said service provider to enable a call forwarding operation, said control circuit further operating said transceiver to send a forwarding number to said service provider (Figures 3-4);

a plurality of ports for connection with a power source, wherein said location is a location of said power source, said control circuit determining when said wireless device is at said

location by determining if one of said plurality of ports is connected with said power source (Figures 4 and 6A); and

a memory for storing a plurality of forwarding numbers in respective association with said plurality of ports, said control circuit selecting a forwarding number in accordance with a port which is connected to said power source and causing said selecting forwarding number to be sent to said service provider (Figure 1, label 26, Col. 5, lines 13-19,31-34, Col. 6, lines 4-10,28-36 and Col. 7, lines 8-12,19-21,50-56).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 22 and 24-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Jonsson** (US 5,915,224).

As to Claims 22 and 24-25, **Jonsson** teaches a wireless telephone device comprising:

a transceiver for transmitting and receiving wireless signals (Figure 9, label 50);

a control circuit for determining when said wireless telephone device is at a location where a call forwarding operation should occur, said call control circuit automatically operating said transceiver to initiate a connection between said telephone device and a service provider when said telephone device is at said location and instructing said service provider to enable a call diversion (call forwarding) operation, said control circuit further operating said transceiver to

send a mobile telephone number (forwarding number) to said service provider (Col. 12, lines 5-27); and

a location determining device for determining the location of said wireless device, said control circuit receiving location information from said location determining device and determining when a location of said wireless device is within range or at a distance (a predefined distance) from a base unit or multi-network terminal (predetermined location), said control circuit selecting a stored forwarding number associated with said predetermined location when said wireless device is within a predefined distance, initiating said connect, and sending said selected forwarding number to said service provider (Col. 12, lines 5-27, 51-64).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 4-5,7,14-15,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chavez, Jr**. in view of **Ghisler** (US 5,953,657).

As to Claims 4,7,14,17, **Chavez, Jr**. teaches a wireless device as in claim 2 wherein:

Chavez, Jr. does not teach the following limitation:

"said control circuit receives through said port said forwarding number which is stored at said power source"

Ghisler teaches the limitation (Col. 6, lines 5-25). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add storage capability to **Chavez, Jr.'s** invention for storing forwarding numbers in battery chargers as taught by **Ghisler's** invention in order to provide notification to wireless service providers to forward telephone calls.

As to Claims 5,15, **Chavez, Jr**. teaches a wireless device as in claim 2, wherein:

Chavez, Jr. does not teach the following limitation:

"said power source has an associated identification number, said wireless device further comprising a memory for storing at least one forwarding number in respective association with at least one a power source identification number, wherein said control circuit receives identification information from said power source and selects a forwarding number from said memory which is associated with said received identification information for sending to said service provider"

Ghisler teaches the limitation (Col. 6, lines 5-25 and Col. 7, lines 1-7). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the

art to add storage and identification capability to **Chavez, Jr.'s** invention for storing forwarding numbers and identification in battery chargers as taught by **Ghisler's** invention in order to provide notification to wireless service providers to forward telephone calls.

Response to Arguments

11. Applicant's arguments filed in the 4/29/04 Remarks have been fully considered but they are not persuasive because of the following:

(a) The allowability of claims 21-25 are withdrawn because of the discovery of new prior art, US 6,188,888, and previously cited US 5,915,224.

(b) The arguments with respect to Claims 1 and 10 suggest that **Chavez** is different from the claimed invention because **Chavez** is limited to in-building systems.

Examiner respectfully believes that the arguments are not directed towards the claims which do not recite any particular locations for the claimed wireless device. **Chavez's** in-building system location and, in particular when **Chavez's** wireless device is plugged in to its charger, meets the location limitation as recited in claims 1 and 10.

With respect to the dependent claims the argument appears to suggest that there is no motivation for combining the references because they are directed towards non-analogous art.

Examiner respectfully disagrees because **Chavez** and **Ghisler** provide services over wireless networks interconnected with the PSTN and in particular providing call forwarding services when wireless devices are plugged in to their base units. The teachings of **Chavez** and **Ghisler** are common with respect to call forwarding and technology. Even though they both are directed towards different objectives and emphasize different aspects of the technology,

Examiner believes that it would be obvious to combine them to achieve the claims as indicated in the instant office action.

(c) Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vanatta et al. (US 5,924,044) teach call forwarding when a wireless telephone is connected to a battery charger.

Cardina et al. (US 6,411,802) teach backing up circuitry for landline and wireless telephones.

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain

Allan Hoosain
Primary Examiner
5/14/04